

REMARKS

Reconsideration of the application is respectfully requested, if view of the following remarks.

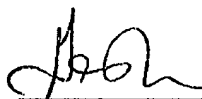
In the Advisory Action, the Office indicates that the "manner or method in which such machine is utilized is not germane to the issue of patentability of the machine itself." But the present claims are not directed just to the apparatus, but to the combination of the apparatus and the cooling liquid. Applicants' position is that the manner or method in which the machine is to be utilized is reflected in a limitation of the claims of the combination, namely the cooling liquid limitation. The claimed invention (combination extruder and cooling liquid) including such limitation is unobvious.

As the Office correctly points out, claim 20 recites a cooling liquid which is liquid ammonia. The claimed recitation concerning liquid ammonia cooling liquid reflects the fact that a machine not previously thought to be useful for frozen products such as ice cream has been discovered to be useful therefor. It is submitted that since the use of the machine is reflected in a claim limitation to the combined machine and cooling liquid, the use is relevant to the issue of whether the claimed invention is obvious. Thus, applicants request that the Office give full credit to the cooling liquid limitation and re-consider applicants arguments that Fels' teaching that their device could be used for certain fruit products would not suggest that Rauwendaal's device must also be useful for frozen products. Therefore, it is requested that the obviousness rejection be withdrawn.

In the amendment mailed December 16, 2005, applicants pointed out the example on pages 7 and 8 of the present specification wherein the lowest temperature for the ice cream is achieved with a pitch angle and number of threads as defined in present claim 20. The examiner has not explained why this example is insufficient to demonstrate the unobvious of the present invention. For this reason also, it is respectfully requested that the obviousness rejection be withdrawn.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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